

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
JANUARY 16, 2003
6:00 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, January 16, 2003, at 6:00 p.m., in the Cookeville Drama Center, 10 East Broad Street. Invocation was given by Pastor Eddie Turner, of Trinity Assembly. Pledge of Allegiance was led by Mayor Womack. Mayor Womack then called the meeting to order and asked the Clerk to call the roll. Present and answering roll call were:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

Also present: Jim Shipley, City Manager; Stephanie Miller, City Clerk; and Mike O'Mara, City Attorney.

**CONSIDER APPROVAL OF
AGENDA AS PRESENTED**

Councilman Shelton made a motion, seconded by Vice-Mayor Qualls, to amend the agenda by adding item #10 – consider Resolution #R03-01-03, requesting the Trousdale County Commission & State of TN for additional studies on the establishment of a uranium enrichment facility in Trousdale County; adding item #11 – Mayor's appointment to Planning Commission; and adding item #12 – report from City Manager on I-40 incident. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**RECOGNIZE VOLUNTEER
OF THE MONTH**

PROCLAMATION

Whereas: Austin Albright and Scott Stepp were in Prescott Hall, Tennessee Technological University when Brandon Baxter collapsed; and

Whereas: Austin Albright and Scott Stepp recognized that Brandon Baxter was not breathing and had no heartbeat; and

Whereas: Austin Albright and Scott Stepp began and continued CPR until emergency services personnel arrived; and

Whereas: Brandon Baxter did survive cardiac arrest due to the best efforts of Austin Albright, Scott Stepp, City of Cookeville Fire Fighters and Putnam County Emergency Medical Services personnel;

Now, therefore, I, Dr. Charles Womack, Mayor of the City of Cookeville, do hereby proclaim a sense of profound appreciation to Austin Albright and Scott Stepp for their selfless effort to save the life of another human being. They did everything right.

This 16th day of January, 2003.

**COOKEVILLE CITY COUNCIL
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**RECOGNIZE FIRE DEPT.
& EMS PERSONNEL
FOR THEIR LIFESAVING
EFFORTS**

Gene Schmid, Cookeville Fire Chief, recognized the following personnel:

(Saving Brandon Baxter on 12-6-02 at TTU & Lieutenant Mike Phillips on 12-22-02 at Main Fire Station while off-duty)

Mike Broyles
Mark Goolsby
Gil Miller
Chris Holmes

Mike Lynch
Danny Heady
Patrick Matthews

OLD BUSINESS:

**CONSIDER APPROVAL OF MINUTES
OF COUNCIL MEETING HELD ON
JANUARY 2, 2003**

Vice-Mayor Qualls made a motion to dispense with the reading of the minutes and approve said minutes as submitted. The motion was seconded by Councilman Shelton. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #O02-12-31,
REZONING A PORTION OF THE
PROPERTY AT 720 HORACE LEWIS
ROAD (TAX MAP #83-115.00) FROM
RS-20 (SINGLE-FAMILY RESIDENTIAL)
TO CI (COMMERCIAL-INDUSTRIAL
MIXED USE)**

Councilman Sallee made a motion, seconded by Councilman Davis, to approve on second and final reading Ordinance #O02-12-31. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
MINUTES
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**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #002-12-32,
TO AMEND THE ZONING CODE
OF THE CITY OF COOKEVILLE,
TN AS ADOPTED BY ORDINANCE
#001-11-15, ON DECEMBER 20,
2001 AS SUBSEQUENTLY
AMENDED, BY REVISING
CERTAIN PROVISIONS OF
SECTION 207, GENERAL SIGN
REGULATIONS**

Councilman Shelton made a motion, seconded by Vice-Mayor Qualls, to defer this item until next council meeting. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

NEW BUSINESS:

**CONSIDER RESOLUTION #R03-01-02,
AUTHORIZING THE JOINT EFFORTS
OF THE CITIES OF COOKEVILLE,
ALGOOD, BAXTER AND MONTEREY
AND THE COUNTY OF PUTNAM TO
APPLY FOR THE GOVERNOR'S
THREE STAR AWARD**

Councilman Sallee made a motion, seconded by Councilman Shelton, to adopt Resolution #R03-01-02. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**HOLD A PUBLIC HEARING
ON THE ANNUAL PROGRESS
REPORT ON THE PLAN OF
SERVICES FOR THE BUCK
MOUNTAIN ROAD/DRY
VALLEY ROAD ANNEXATION
AREA**

MINUTES
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NOTICE OF PUBLIC HEARING
CITY OF COOKEVILLE
ANNUAL PROGRESS REPORT
PLAN OF SERVICES FOR ANNEXATION AREA

Notice is hereby given that the Cookeville City Council will hold a Public Hearing at its meeting on Thursday, January 16, 2003 at 6:00 p.m. in the Council Room at City Hall. The purpose of this Hearing is to present an Annual Progress Report on the status of extending services to the Buck Mountain Road-Dry Valley Road Area as specified in the Plan of Services. All interested citizens are invited to attend this Hearing. The Progress Report for this annexation area is as follows:

ANNUAL PROGRESS REPORT
PLAN OF SERVICES
BUCK MOUNTAIN ROAD/DRY VALLEY ROAD ANNEXATION AREA

The Cookeville City Council, through Resolution R00-03-11, adopted a Plan of Services for the annexation of certain territory identified as the Buck Mountain Road-Dry Valley Road Annexation Area. The annexation of this area became effective on July 19, 2000. *Tennessee Code Annotated*, Section 6-51-108 requires that a report be prepared and published on the progress of extending the services to the annexation area as specified in the Plan of Services. According to the Directors of the applicable City Departments, the following progress has been made toward extending the services specified in the Plan of Services for the Buck Mountain Road-Dry Valley Road Annexation Area:

- Police and Fire Protection
Police and fire protection are provided to the annexation area as specified in the Plan of Services.
- Water
Those property owners already provided water service by the City of Cookeville have had their rates reduced to the city rate. A water line and fire hydrants have been installed along Dry Valley Road north of Buck Mountain Road. The Plan of Service specifies that water service will be provided at city rates within five years after the effective date of annexation.
- Sanitary Sewer
Sanitary sewer service has not yet been extended to the areas. The Plan of Services specifies that sanitary sewer service will be provided based on the same criteria, standards and policies used to determine the expansion of sanitary sewer service in the unserved portions of the present corporate limits.
- Solid Waste Collection and Disposal
Solid waste collection and disposal is provided to the annexation area as specified in the Plan of Services.
- Streets
Street maintenance is provided to the annexation area as specified in the Plan of Services.
- Planning and Zoning and Inspection Services
Planning and zoning and inspection services are provided to the annexation area as specified.
- Electrical Service and Street Lighting
The Upper Cumberland Electric Membership Cooperative has refused to allow the city to purchase the service area and the city has filed a lawsuit to obtain it. The Plan of Services specifies that electric service at city rates and street lighting will be provided within three years after the city acquires the service area.
- Recreational Facilities
The residents of the annexation area are able to use all municipal recreational facilities as specified.
- Natural Gas
Those property owners already provided natural gas service by the City of Cookeville have had their rates reduced to the city rate. The Plan of Services specifies that natural gas service will be provided at city rates within five years after the effective date of annexation.
- Street Name Signs
Street name signs have been provided to the annexation area.

CONSIDER APPROVAL OF
PURCHASE OF CITY
COURT SOFTWARE

MEMORANDUM

TO: Mayor Womack
Vice-Mayor Qualls
Councilman Shelton
Councilman Davis
Councilman Sallee
City Manager, Jim Shipley

FROM: Stephanie Miller, City Clerk/Finance Director

DATE: January 7, 2003

RE: City Court Software

The City of Cookeville has requested and received proposals for city court software. We reviewed four software vendors that specialize in court software and those vendors were CourtWare Solutions, Inc.; Incode; Local Government Data Processing and Southern Automated Systems, Inc. The software we currently have was created in house and no longer meets the requirements as mandated by the state. The new software will be used to maintain all court records including docket books, state reports, warrants and other official records as required by city ordinance and state law.

The proposals were evaluated based on the needs of our city court and police department and the requirements mandated by the State of Tennessee. After evaluating the proposals, conducting in-house reviews of the software and consulting with the City Court Clerk and other municipalities, it is my recommendation to purchase the software from Southern Automated Systems, Inc., at a total price of \$8,495. This price includes two additional users located at the Cookeville Police Department. Annual support for this software will be an additional \$2,028. The software was recommended by other municipalities and the police management consultant for the Municipal Technical Advisory Service (MTAS). The software purchase is a budgeted item in the 2002-2003 budget. Also, the current software system "crashed" during the past two weeks and the requested purchase has now become an emergency.

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Councilman Davis made a motion, seconded by Vice-Mayor Qualls, to approve the purchase of city court software as recommended. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

CONSIDER AWARDING BIDS FOR
COMPACTOR RENTAL & PLASTIC
PIPE FOR NEW SOCCER COMPLEX
- PUBLIC WORKS DEPT.

CITY OF COOKEVILLE, TENNESSEE
BID TABULATION RECORD


12 TON COMPACTOR RENTAL
CITY & COUNTY SOCCER COMPLEX


DEPARTMENT: PUBLIC WORKS
DATE OF BID OPENING: NA - PHONE BIDS
TIME OF BID OPENING: NA


FAX BIDS REVIEWED BY: WAYNE BANDY
OPENING WITNESSED BY: NA

BIDDER	MONTHLY RENTAL	
SWIFT CONSTRUCTION	\$2,500.00	
NORTRAX	\$3,000.00	
THOMPSON MACHINERY	NO BID	

WE THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM SWIFT CONSTRUCTION COMPANY BE
AWARDED FOR THE FOLLOWING REASON: LOW BIDDER


RECOMMENDED: DEPT. DIRECTOR


BUDGET AVAILABILITY: FINANCE DIRECTOR


APPROVAL: CITY MANAGER

CITY OF COOKEVILLE, TENNESSEE
BID TABULATION RECORD


PLASTIC PIPE
CITY & COUNTY SOCCER COMPLEX


DEPARTMENT: PUBLIC WORKS
DATE OF BID OPENING: NA - FAXED BIDS
TIME OF BID OPENING: NA


FAX BIDS REVIEWED BY: GWEN WHITTAKER
OPENING WITNESSED BY: NA

BIDDER	PLASTIC PIPE & FITTINGS	
PLATEAU PIPE CO.	\$13,853.41	
ADVANCED DRAINAGE SYSTEM	\$13,981.98	

WE THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM PLATEAU PIPE COMPANY BE
AWARDED FOR THE FOLLOWING REASON: LOW BIDDER


RECOMMENDED: DEPT. DIRECTOR


BUDGET AVAILABILITY: FINANCE DIRECTOR


APPROVAL: CITY MANAGER

COOKEVILLE CITY COUNCIL
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Councilman Sallee made a motion, seconded by Councilman Shelton, to award the Public Works Department bids as recommended. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

CONSIDER AWARDING BIDS FOR
WIRE & STEEL POLES/LIGHTING
EQUIPMENT FOR NEW SOCCER
COMPLEX – ELECTRIC DEPT.

CITY OF COOKEVILLE
BID TABULATION SCHEDULE

BID NOTICE # 02120601


DATE OF BID OPENING: 12/19/2002
BIDS OPENED BY: Glenn Greenwood
BIDS WITNESSED BY: Brian Bohannon
DEPARTMENT: Electric


TIME: 2:00 PM CST

BIDDERS	QTY	1/0 Underground Primary Cable 10,000 ft.						
Wesco Distribution		\$1.31						
		\$ 13,060.00						
Stuart Irby		\$1.34						
		\$ 13,380.00						

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Wesco Distribution

BE AWARDED FOR THE FOLLOWING REASON: low bid meeting specs.


RECOMMENDED: DEPT. HEAD


APPROVAL: CITY MANAGER

CITY OF COOKEVILLE
BID TABULATION SCHEDULE

BID NOTICE # 03010801

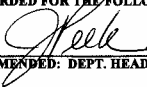
DATE OF BID OPENING: 1/15/2003
BIDS OPENED BY: Carl Haney
BIDS WITNESSED BY: Tony Peek, Regina Walker
DEPARTMENT: Electric

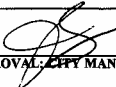
TIME: 10:00 AM CST

BIDDERS	QTY	Soccer Field Lighting 6 Poles & 72 Lights						
Wesco		Received bid late						
Stuart Irby Co.		\$ 59,341.80						
Hughes Supply		\$ 60,154.00						

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Stuart Irby Co.

BE AWARDED FOR THE FOLLOWING REASON: low bid meeting specs.


RECOMMENDED: DEPT. HEAD


APPROVAL: CITY MANAGER

**COOKEVILLE CITY COUNCIL
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Vice-Mayor Qualls made a motion, seconded by Councilman Sallee, to award the Electric Department bids as recommended. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER RESOLUTION #R03-01-03,
REQUESTING THE TROUSDALE
COUNTY COMMISSION & STATE
OF TN FOR ADDITIONAL STUDIES
ON THE ESTABLISHMENT OF A
URANIUM ENRICHMENT
FACILITY IN TROUSDALE
COUNTY**

Mayor Womack made a motion, seconded by Councilman Shelton, to adopt Resolution #R03-01-03. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**MAYOR'S APPOINTMENT TO
PLANNING COMMISSION**

Mayor Womack announced the appointment of Dr. Roy Loutzenheiser, Associate Dean of Engineering at TTU, to the Planning Commission (replacing Mrs. Carolyn Leslie).

**REPORT FROM CITY MANAGER
ON I-40 INCIDENT ON 1-01-03**

COOKEVILLE CITY COUNCIL
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MEMORANDUM

TO: Mayor Charles T. Womack, M.D.
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

FROM: City Manager Jim Shipley

DATE: January 16, 2003

RE: INVESTIGATIVE REPORTS – SMOAK FAMILY

Let me begin by thanking you for your support and patience while we investigate this unfortunate incident that has sparked public outrage and media attention from all over the country. We extend our sympathies to the Smoak family and are heartsick about the events that unfolded in Cookeville as they were on their way home from a family vacation.

I have now received Chief Terry's report of the findings of the Cookeville Police Department's Internal Affairs Investigation and his comments relative to the Independent Review of the videotape by Chief Mary Ann Viverette, who is one of the most respected individuals in her field. Both of these reports are included for your review.

In an interest of sharing with the community what we know, I would like to address a few of the key elements of this unfortunate event.

The Cookeville Police Department's policy on "Use of Force" clearly states, in part, "an officer may use deadly force only when the officer reasonably believes that the action is in the defense of human life, including the officer's own life."

Both our Internal Affairs Investigation and Chief Viverette's report go to the officer's perception of the level of threat posed by the animal during this felony traffic stop. Chief Viverette goes to the heart of the issue in her report and she writes "Clearly, if the officer felt threatened with serious bodily harm or death, his actions are understandable...

If, upon review, his belief is deemed to be objectively reasonable, there would be no reason for administrative action against this officer for his actions."

Many times -- including official reports, a personal visit with me, and two exclusive interviews -- Officer Hall has clearly and convincingly stated that in the second before he used force, he believed his safety was in jeopardy.

Additionally, Chief Viverette brought out some excellent points in her report of other areas that require attention. While some of her concerns were directed toward the Tennessee Highway Patrol, we are addressing the ones that were directed to our police department. Furthermore, Chief Terry has contacted the Humane Society and People for the Ethical Treatment of Animals to pursue further canine-training opportunities.

As horrific as this unfortunate incident has been, I must concur with Chief Terry and recommend no disciplinary action be taken against Officer Eric Hall. This officer has been exhaustively scrutinized and, sadly, the safety of his family and even his own life have been threatened repeatedly. It is my hope that we can now begin to heal.

I am sending the Smoak family a copy of my report as well as a personal letter to continue our efforts to reach out to them. I have also told them that we are aware of the Tennessee Senate investigation, which we will be attending in anticipation of further insight and/or suggestions.

Again, I thank you for your patience and support as we worked through this difficult, tedious process. Upon reviewing all the facts in this case, I believe that you will come to the same conclusion as I have.

Mayor Womack & Councilmen made brief statements about the I-40 incident.

HEARING OF CITIZENS AND/OR DELEGATIONS:

Various citizens of Cookeville made statements concerning the I-40 incident.

There being no further business to discuss, Councilman Shelton made a motion, seconded by Vice-Mayor Qualls, to adjourn the meeting at 7:05 p.m. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

Charles Womack, Mayor

ATTEST:

Stephanie Miller, City Clerk

